

REMARKS

Claim Rejections - 35 U.S.C. §102

The Examiner has rejected claims 11-13 and 17-30 under 35 U.S.C. §102(b) as being anticipated by Horiuchi et al. (JP/63076481). The Applicant respectfully traverses. Horiuchi does not teach all of the elements of the Applicant's claims. In particular, Horiuchi does not teach the elements of independent claim 11 of selectively forming two layers of a first and a second material in a recess, including the portion of the recess that underlies a gate electrode. Horiuchi also does not teach the element of independent claim 22 of back filling the recesses, including the portion of the recesses that is partially subjacent the gate structure, with doped crystalline material. And additionally, Horiuchi does not teach the element of independent claim 27 of substantially filling the recess that extends laterally through the substrate so as to underlie a portion of the gate electrode with a first layer of doped crystalline material. In contrast, the portions of the recesses that are subjacent, or underlie, the gate structure in Horiuchi are filled with an insulating material. Therefore, Horiuchi does not anticipate the applicant's claims 11, 22, or 27 and dependent claims 12-20, 23-26, and 28-30 that depend on and incorporate the limitations of claims 11, 22, and 27, respectively.

Claim Rejections - 35 U.S.C. §103

The Examiner has rejected claims 14-16 under 35 U.S.C.(a) as being unpatentable over Horiuchi et al. in view of Chau et al. (U.S. Patent No. 6,165,826). The Applicant respectfully traverses. Horiuchi in view of Chau does not teach all elements of the

Applicant's claims. Claim 11, on which claims 14-16 depend, does not teach the elements of selectively forming two layers of a first and a second material in a recess, including the portion of the recess that underlies a gate electrode, as discussed above. Therefore, because claims 14-16 incorporate the limitations of claim 11, claims 14-16 are not obvious in light of Horiuchi in view of Chau.

If there are any additional charges, please charge Deposit Account No. 02-2666.

Respectfully submitted,

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